

# CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

TO: J. L. Breshears  
Acting Chief of Police

FROM: T. A. Roman, Lieutenant  
Central Division

VIA: G. D. Yorek, Captain  
Central Division

DATE: November 4, 2003

SUBJECT: Deportable Felons

HOUSTON POLICE  
NORTH COMMAND  
03 NOV 14 PM 4:29

D. F. Cutler, Acting Assistant Chief  
North Patrol Command

C.A. McClelland, Acting Executive Assistant Chief  
Operations Coordinator

The purpose of this correspondence is to bring an incident to your attention that I believe jeopardizes homeland security. Your review of this incident would be appreciated.

On October 6, 2003, Officers Orozco and Hitzman, assigned to the Central Division Tactical Unit, stopped a suspect on traffic who did not have a valid TDL or insurance. Upon further questioning, his identity was learned and a check on NCIC revealed that he was a deportable felon wanted by the INS. Officers verified this status with INS and received a faxed detainer from them for the suspect. Officers then attempted to obtain a hold on this suspect from the Homicide Division but were advised that a hold for a deportable felon is not authorized. The details of this incident are contained in the attached incident report #141315003.

I believe that the actions taken by the Department in this incident are a threat to homeland security and should be reviewed. The officers in this incident did not inquire into the citizenship of the suspect but merely learned his name and discovered his true identity and wanted status. A distinction should be made between enforcing immigration law and merely holding a wanted suspect who has violated federal law for a federal agency. If this suspect had been a deported felon with terrorist ties then the actions taken in this incident could seriously jeopardize homeland security.

Therefore, I respectfully request a review of our departmental policies regarding the handling of deportable felons wanted by the Immigration and Naturalization (INS) for entry into our country illegally. Since these felons were deported for the commission of crimes in our country, allowing them to remain free after being detained by Houston police officers may subject the city to liability should they commit another crime and injure a victim. Thank you for your consideration of this matter and should you have any questions, please contact me.

*Tom Roman*  
T. A. Roman, Lieutenant  
Central Division

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Attachment

*[Signature]*

*[Signature]*  
ACTING EXECUTIVE ASSISTANT CHIEF  
OPERATIONS COORDINATOR

11-03

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# CITY OF HOUSTON

INTEROFFICE CORRESPONDENCE

OFFICE OF  
THE CHIEF OF POLICE

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To: J. L. Breshears  
Acting Chief of Police

From: D. F. Cutler, Acting Assistant Chief  
North Patrol Command


Via: C. A. McClelland, Acting Exec. Assistant Chief  
Operations Coordinator

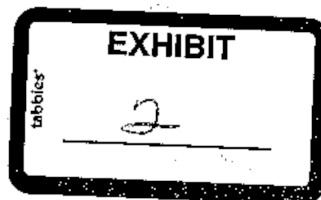
Date: November 24, 2003  
Subject: Deportable Felons

Attached is correspondence from Lieutenant T. A. Roman of the Central Division requesting a review of HPD's policy regarding the handling of deportable felons. The Department currently does not accept holds on absconders (persons whose visas have expired). An article written by Deputy Director of Legal Services Craig Ferrell for *The Police Chief* magazine (October 2002) is attached. This article discusses the reasons local law enforcement entities should not arrest persons on the basis of their immigration status. It is my recommendation that the process for handling absconders remains unchanged. The Houston Police Department should only assist in the apprehension/detention of high-risk absconders if the Department of Justice first obtains a federal criminal arrest warrant on these individuals. If you have any questions, or need any additional information, please let me know.

  
D. F. Cutler, Acting Assistant Chief  
North Patrol Command

dc

  
Agree  
12-1-03  
ACTING EXECUTIVE ASSISTANT CHIEF  
OPERATIONS COORDINATOR



OPERATIONS COORDINATOR  
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